THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 15311 of 2005

Date: 30.09.2005

Between:

1) Balgouni Rajyalakshmi, w/o. late B.Jaganmohan
Chowdary, r/o. Injapur village, Hayathnagar mandal,
R.R. district & 3 others

…Petitioners

and

1)Sri Balaji Venkateswara Swamy Temple, Injapur village,
Hayathnagar mandal, R.R. district rep. by its Manager
& 2 others

…Respondents

ORDER:

None appears for the petitioners. Heard the learned standing counsel for the first respondent and the learned Government Pleader for Endowments appearing for respondents 2 and 3.

Challenging the notice issued by the first respondent contemplating

to hold public auction on 18.07.2005 of the schedule mentioned lands totally admeasuring an extent of Ac.36.28 guntas in survey nos. 103, 104, 24 to 27, 187, 188, 191 to 194 belonging to Sri Balaji Venkateswara Swamy Temple, Injapur village, Hayathnagar mandal, Ranga Reddy district, the present Writ Petition is filed.

The learned standing counsel for the first respondent submitted on instructions that every year they are conducting auction in respect of self-same lands in survey nos. 19 to 21, 23 to 34, 103, 105, 130, 187, 188 and 191 to 194 in Injapur village and therefore, there is no violation of provisions of Section 87 of the Endowments Act. Therefore, no right of the petitioners is infringed so as to hold that auction held on 18.07.2000 is contrary to law. In the absence of any infringement or violation of legal or statutory right of the petitioner, no relief can be granted in this Writ Petition.

The Writ Petition is devoid of merits and is, accordingly, dismissed. No costs.

After dictating the judgment, the learned counsel for the petitioners contended that the petitioners are claiming the property as absolute owners and that a dispute is also pending before the Deputy Commissioner of Endowments; that without resolving the dispute, the respondents are resorting to auction the properties. This Court is unable to accept the contention of the learned counsel for the reason that the right of the petitioner has not been determined so far. Since title of the properties is yet to be determined, the auction held may be held is subject to further orders that may be passed in O.A. No.8 of 2005 on the file of the Deputy Commissioner of Endowments, Hyderabad.

(K.C.Bhanu, J.)

30.09.2005

DRK